

**CRIMINAL DOCKET
UNITED STATES DISTRICT COURT**

D. C. Form No. 100A Rev.

TITLE OF CASE	ATTORNEYS
<p>THE UNITED STATES</p> <p><i>vs.</i></p> <p>Eli Ellis Gilbert</p>	<p><i>For U. S.:</i> Hubert H. Bryant Asst. U. S. Atty.</p> <p><i>For Defendant:</i> Robert G. Brown (Ct. Appt.) 500 West 7th St. Tulsa, Oklahoma 74119</p>

STATISTICAL RECORD	COSTS		DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 2 mailed 5-2-70	Clerk					
J.S. 3 mailed 6-30-70	Marshal					
Violation Narcotics	Docket fee					
Title 26						
Sec. 4705(a)						

DATE	PROCEEDINGS
1-13-70	Indictment, filed in open court. b
1-13-70	Record vote of the grand jury, filed in open court
1-13-70	Warrant for arrest of the defendant issued at the request of the U. S. Attorney. b
n 3-5-70	Warrant for arrest of the defendant returned, filed - executed by arresting defendant and furnishing copy of indictment on 1-28-70. b
3-13-70	Defendant's Affidavit & Order Appointing Counsel, filed. js
3-24-70	Defendant present in person and represented by counsel, defendant arraigned, advised of the charge and penalties and enters ple of NOT GUILTY. Defendant granted 10 days to file motions which are to be referred to Judge Barrow. (Fred Daugherty - Judge) (LC-CSR)b
4-2-70	Motion of defendant to discover and inspect, filed. ds
4-2-70	Motion to disclose witnesses for the government who will appear at the time of trial, filed. ds
4-2-70	Motion of defendant for the production of evidence favorable to the accused, filed. ds
4-8-70	Response in opposition to motions of deft, filed. m
	(OVER)

DATE	PROCEEDINGS
4-15-70	Case called for hearing on motions. Defndant Eli Ellis Gilbert present in person and represented. Court orders that motions to discover and inspect and motion for the production of evidence favorable to the accused are moot and motion to disclose witnesses for the govt who will appear at the time of trial is overruled.(AEB-J)h
5-5-70	Case set for Jury Trial on Monday, May 25, 1970 at 9:30 A.M.(AEB-J)h
5-7-70	Case stricken from jury assignment of 5-25-70. (AEB-J)m
6-3-70	U. S. Suppoena returned, filed - served Eddie Edrington at Oklahoma City, Okla., on 5-11-70. b
6-3-70	U. S. Subpoena duces tecum returned, filed - served Bryan L. Tipton in person at Oklahoma City, Okla., on 5-7-70. b
6-3-70	Case set for Jury Trial Monday June 22, 1970 at 9:30 A.M. (AEB-J) v
6-22-70	Case tried to a jury on 6-22-70 and 6-23-70. Defendant present in person and represented. Jury returns with verdict finding the defendant GUILTY as charged and is adjudged GUILTY as charged. Verdict filed. Jury Discharged.
	Judgment and Sentence- Eli Ellis Gilbert (Age 45)
	Atty Gen- 10 yrs.
	IT IS ADJUDGED that the sentence imposed in this case shall run concurrently with sentence imposed in Criminal Case No. 70-CR-39.(Allen E. Barrow-Judge)h
6-23-70	Order of J&C filed and entered . (AEB-J)h
6-23-70	Two c.c. of above order delivered to USM.h
6-29-70	CC of J & C returned, filed - executed by delivering Eli Ellis Gilbert to Tulsa County Jail on 6-23-70 and to U. S. Penitentiary at Leavenworth, Kansas on 6-27-70. b
9-3-70	U. S. Subpoena returned, filed - executed by serving Eddie Edrington at Oklahoma City, Oklahoma on 6-17-70. b
9-3-70	U. S. Subpoena duces tecum returned, filed - executed by serving Bryan L. Tipton, in person at Oklahoma City, Oklahoma on 6-17-70. b
9-25-70	Order allowing appeal out of time on behalf of defendant, filed.(AEB-J)g
9-25-70	Notice of appeal by defendant, filed. g
9-25-70	Order for transcript, filed. (AEB-J)g
9-30-70	Motion for leave to proceed in forma pauperis, filed. g
10-1-70	Affidavit in forma pauperis with leave of Court to prosecute appeal.(AEB-J)g
11-3-70	Transcript of trial proceedings of June 22 & 23, 1970 (orig.+2 cpies) filed. (LEM-Rptr.)g
11-3-70	Appeal record (2 vols) (orig. + 3 copies) sent to USCA, Denver. g
10-8-71	Mandate & Opinion of USCA affirming judgment of 6-22-70, filed and spread of record. g
1-17-79	Order, fld. It is ordered that the U.S. Ct. Clk. return to the respective parties all remaining exhibits in his possession. (AEB-J)ho w/receipt from Ken Snoke A.U.S.A.

NORTHERN DISTRICT OF OKLAHOMA

RECORD OF PROCEEDINGS IN CRIMINAL CASES

BEFORE Benjamin B. Ballenger 411 U. S. Court House, Tulsa, Okla.
(Name of commissioner) (Address)

COMMISSIONER'S
DOCKET NO. 2 CASE NO. 542
THE UNITED STATES
vs.

Eli Ellis Gilbert

Complaint filed on Sept. 11, 1969, by John C. Blanton
Official title Special Agent, BNDD, charging violation of
United States Code, Title 21, Section 174, on June 25,
1969, at Tulsa in the
division of the Northern district of Oklahoma
as follows: did wilfully and unlawfully sell and facil-
itate the sale of a quantity of narcotic drugs to-wit:
approximately .28 grams of Heroin Hydrochloride, know-
ing that the same had been imported and brought into
the U. S. contrary to law.
(Here insert brief summary of facts constituting offense charged)

WARRANTS OR SUMMONS ISSUED:

Date Sept. 11, 1969 Warrant/Summons for Eli Ellis Gilbert
to (name and title of officer) the United States Marshal or any other authorized officer:
Substance of return

Date Warrant/Summons for
to (name and title of officer)
Substance of return
M. M. EWING, CLERK
U. S. DISTRICT COURT

PROCEEDINGS ON FIRST PRESENTATION OF ACCUSED TO COMMISSIONER:

Date Arrested by { on warrant of (Name of issuing officer)
without warrant.

Appearances { for United States (Name) (Address)
for accused (Name) (Address)

Proceedings taken
(Here insert with dates, when appropriate, a serialim account of essential steps taken at hearing such as "complaint prepared,"

If arrest is without warrant: "defendant informed of complaint and right to retain counsel and preliminary hearing": "preliminary examination waived,"

If that is the fact; any adjournments taken, etc.

1-21-70 Indictment returned 1-13-70.

/s/ Benjamin B. Ballenger
U. S. Commissioner

Outcome

Bail fixed, 19 Amount, \$ Bonded, 19, by cash
deposited by (name) Address
transmitted to clerk of district court, 19 [or] by surety
(name) Address
(name) Address, who
justified by affidavit dated, 19, [or] committed to
on, 19

SUBPOENAS FOR WITNESSES ISSUED:

_____, 19____, for (name of witness)_____
at request of (name of party)_____
Substance of return_____
_____, 19____, for (name of witness)_____
at request of (name of party)_____
Substance of return_____
_____, 19____, for (name of witness)_____
at request of (name of party)_____
Substance of return_____

PRELIMINARY EXAMINATION:

(Not to be used if case was disposed of at first presentation)

Date_____Appearances for

{ United States (Name) _____
(Address) _____
Accused (Name) _____
(Address) _____

WITNESSES FOR UNITED STATES: (List names and addresses)

WITNESSES FOR ACCUSED: (List names and addresses)

Witness payroll containing_____names certified to United States Marshal for payment_____, 19____
Proceedings taken_____

Outcome_____

Bail fixed_____, 19____ Amount, \$_____ Bonded_____, 19____, by cash
deposited by (name)_____ Address_____
transmitted to clerk of district court_____, 19____
[or] by surety (names)_____ Address_____
and_____ Address_____
who justified by affidavit_____, 19____ Committed to_____
on_____, 19____

Certified to be a correct transcript.

Made this 21st day of January, 1970

Transmitted to Clerk of United States District Court for the Northern
district of Oklahoma, January 21st, 1970

Benjamin B. Ballenger
Benjamin B. Ballenger

United States Commissioner.

UNITED STATES COMMISSIONER

WESTERN DISTRICT OF MISSOURI

RECORD OF PROCEEDINGS IN CRIMINAL CASES

BEFORE J. WHITFIELD MOODY

(Name of commissioner)

KANSAS CITY, MISSOURI

(Address)

COMMISSIONER'S
DOCKET NO. 31 CASE NO. 724
THE UNITED STATES
vs.

ELI ELLIS GILBERT

Indictment No. 70-Cr-26, Northern D. of Oklahoma

Complaint filed on 1/13/70, 19, by Grand Jury

Official title, charging violation of
United States Code, Title 26, Section 4705(a) on June 25,
1970, at Tulsa, Oklahoma in the
division of the Northern district of Oklahoma
as follows: Sale of heroin not in pursuance of a written order

FILED

(Here insert brief summary of facts constituting offense charged)

WARRANTS OR SUMMONS ISSUED:

Date January 13, 1970 Warrant/Summons for Eli Ellis Gilbert

M. M. EWING, CLERK

U. S. DISTRICT COURT

to (name and title of officer) any U. S. Marshal or any other authorized officer.

Substance of return executed by the arrest of Eli Ellis Gilbert at Kansas City, Missouri,
on January 28, 1970.

Date Warrant/Summons for

to (name and title of officer)

Substance of return

PROCEEDINGS ON FIRST PRESENTATION OF ACCUSED TO COMMISSIONER

Date January 28, 1970 Arrested by James M. Turner

on warrant of Milam M. Ewing, Clerk

(Name of issuing officer)

Appearances

for United States William A. Kitchen

(Name)

for accused Defender's Office appointed.

(Name)

(Address)

(Address)

Proceedings taken on January 28, 1970, the defendant appeared with appointed counsel, and was

(Here insert with dates, when appropriate, a serial account of essential steps taken at hearing such as "complaint prepared,"

advised of the Indictment filed against him in the Northern Dist. of Oklahoma; of his right to

if arrest is without warrant: "defendant informed of complaint and right to retain counsel and preliminary hearing"; "preliminary examination waived,"

remain silent, and that any statement made by him could be used against him in court. Also his

if that is the fact; any adjournments taken, etc.

right to retain counsel and to request assignment of counsel if he could not retain counsel. Bail
set.

Outcome On January 28, 1970, defendant executed written waiver of Removal Hearing. Case
to be ~~dismissed~~ disposed of under the provisions of Rule 20,

Bail fixed January 28, 1970. Amount, \$ 2,500.00 Bonded, 19, by cash
deposited by (name) Address

transmitted to clerk of district court, 19 [or] by surety

(name) Address

(name) Address

justified by affidavit dated, 19, [or] committed to U. S. Marshal, W. Dist. of Mo.,

on January 28, 1970

SUBPOENAS FOR WITNESSES ISSUED:

_____, 19_____, for (name of witness)_____
at request of (name of party)_____
Substance of return_____

_____, 19_____, for (name of witness)_____
at request of (name of party)_____
Substance of return_____

_____, 19_____, for (name of witness)_____
at request of (name of party)_____
Substance of return_____

PRELIMINARY EXAMINATION:

(Not to be used if case was disposed of at first presentation)

Date_____Appearances for

United States

(Name)

(Address)

Accused

(Name)

(Address)

WITNESSES FOR UNITED STATES: (List names and addresses)

WITNESSES FOR ACCUSED: (List names and addresses)

Witness payroll containing_____names certified to United States Marshal for payment_____, 19_____
Proceedings taken_____

Outcome_____

Bail fixed_____, 19_____. Amount, \$_____. Bonded_____, 19_____, by cash
deposited by (name)_____ Address_____
transmitted to clerk of district court_____, 19_____
[or] by surety (names)_____ Address_____
and_____ Address_____
who justified by affidavit_____, 19_____. Committed to_____
on_____, 19_____

Certified to be a correct transcript.

Made this 28th day of January, 19 70.

Transmitted to Clerk of United States District Court for the Western
district of Missouri, January 28, 19 70.

J. M. Stuebel
United States Commissioner.

WESTERN DISTRICT OF MISSOURI

RECORD OF PROCEEDINGS IN CRIMINAL CASES

BEFORE J. WHITFIELD MOODY

(Name of commissioner)

KANSAS CITY, MISSOURI

(Address)

COMMISSIONER'S
DOCKET No. 31 CASE No. 717
THE UNITED STATES
vs.

ELI E. GILBERT, JR.

Complaint filed on Sept. 11, 1969, by John C. Blanton
Official title S. A. B. of Nar. & D. D., charging violation of
United States Code, Title 21, Section 174, on
19, at in the
division of the Western district of Oklahoma
as follows:

FILED

MAR 5 1970

(Here insert brief summary of facts constituting offense charged)

WARRANTS OR SUMMONS ISSUED:

Date Warrant/Summons for

to (name and title of officer)

Substance of return

FILED

17244
FEB 4 1970

M. M. EWING, CLERK
U. S. DISTRICT COURT

(Name of defendant)

Date Warrant/Summons for

to (name and title of officer)

Substance of return

J. C. TRUMAN, CLERK
BY *D. Schandorf*
DEPUTY CLERK

(Name of defendant)

PROCEEDINGS ON FIRST PRESENTATION OF ACCUSED TO COMMISSIONER:

Date Arrested by

on warrant of Benjamin B. Ballenger
Comm. W. D. of Okla.
without warrant.

Appearances

for United States William A. Kitchen

(Name)

(Address)

for accused Defender's Office appointed.

(Name)

(Address)

Proceedings taken on January 23, 1970, defendant appeared without counsel and was advised of
(Here insert with dates, when appropriate, a serialim account of essential steps taken at hearing such as "complaint prepared,"

the complaint filed against him in the Western Dist. of Oklahoma; of his right to remain silent, and
if arrest is without warrant: "defendant informed of complaint and right to retain counsel and preliminary hearing": "preliminary examination waived,"
that any statement made by him could be used against him in court. Also his right to retain counsel
if that is the fact; any adjournments taken, etc.
and to request assignment of counsel if he could not retain counsel, and his right to a preliminary
hearing. The Defender's Office was appointed and the case continued to January 28, 1970.

Outcome On January 28, 1970, upon oral motion of William A. Kitchen, the defendant was
discharged on the complaint. Defendant arrested on Indictment No. 70Cr-26, N. D. of Okla.

Bail fixed January 23, 1970 Amount, \$ 2,500.00 Bonded, 19, by cash
deposited by (name) Address
transmitted to clerk of district court, 19 [or] by surety
(name) Address
(name) Address, who
justified by affidavit dated, 19, [or] committed to U. S. Marshal, W. Dist. of Mo.,
on January 23, 1970.

SUBPOENAS FOR WITNESSES ISSUED:

_____, 19____, for (name of witness)_____
at request of (name of party)_____
Substance of return_____

_____, 19____, for (name of witness)_____
at request of (name of party)_____
Substance of return_____

_____, 19____, for (name of witness)_____
at request of (name of party)_____
Substance of return_____

PRELIMINARY EXAMINATION:

(Not to be used if case was disposed of at first presentation)

Date_____ Appearances for _____

{ United States (Name) _____
(Address) _____
Accused (Name) _____
(Address) _____

WITNESSES FOR UNITED STATES: (List names and addresses)

WITNESSES FOR ACCUSED: (List names and addresses)

Witness payroll containing _____ names certified to United States Marshal for payment _____, 19____
Proceedings taken_____

Outcome_____

Bail fixed _____, 19____ Amount, \$ _____ Bonded _____, 19____, by cash
deposited by (name) _____ Address _____
transmitted to clerk of district court _____, 19____
[or] by surety (names) _____ Address _____
and _____ Address _____
who justified by affidavit _____, 19____ Committed to _____
on _____, 19____

Certified to be a correct transcript.

Made this 23th day of January, 19 70.

Transmitted to Clerk of United States District Court for the Western
district of Missouri, January 28, 1970.

United States Commissioner.